

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

V.

JOIA E. FRANKS

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CR. No: 2:07cr234-TFM

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, **JOIA E. FRANKS**, by and through undersigned counsel, Kevin L. Butler, and pursuant to 18 U.S.C. §§3161(h)(2) and 3161(h)(8)(B)(I), respectfully moves this Court to continue the trial of this action from the present trial date of January 14, 2008, to allow for the consideration of pretrial diversion in this matter. In support of this Motion, defendant would show:

1. Ms. Franks has been charged by indictment in this district with theft of government property in violation of 18 U.S.C. §641.

2. On November 29, 2007, Ms. Franks requested the pretrial diversion program. The application for diversion was denied.

3. Ms. Franks appears to be an excellent candidate for pretrial diversion. Therefore, the interests of justice will be met if the matter is continued from the January 14, 2007 trial term in order to allow the defendant an opportunity to resubmit the diversion application.

WHEREFORE, defendant respectfully requests that this Motion be granted.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Kent Brunson, Esquire and Reese H. Hays, III, Esquire.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
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